

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – TUCSON**

U.S. District Judge: Rosemary Marquez

Date: November 14, 2019

USA v. Marivel Cantu-Madril, Richard A. Madril Case Number: CR-18-01309-TUC-RM(EJM)

Assistant U.S. Attorneys: Sean Sullivan, Paul Mysliwicz

Attorney for Defendant Cantu-Madril(1): Retained Mark Willimann; Defendant released; present

Attorney for Defendant R. Madril (2): Retained Peter Matiatos; Defendant released; present

MOTION HEARING:

Hearing held on pending pretrial motions.

Testimony presented as to defendant's Motion to Suppress (Doc. 81): Witnesses Yazmin Salazar, Stephen Baquet, Richard McDowell were called by the government; sworn and examined. Defendant Marivel Cantu-Madril called on her own behalf, sworn and examined. Exhibits offered and admitted. (See separate list). The Motion to Suppress (Doc. 81) is taken Under Advisement.

Ruling as to the remaining motions:

Doc. 74, Motion in Limine to Limit Evidence of Quality Law Enforcement Investigation – denied without prejudice pending trial testimony

Doc. 75, Motion re: Lafler/Frye hearing – granted. The government states a plea offer was made and subsequently rejected by defendants. The Court addresses the defendants and confirms the same.

Doc. 76, Motion in Limine to Admit Evidence as Non-Hearsay – denied without prejudice pending trial testimony

Doc. 77, Motion in Limine to Exclude Improper Character Evidence – denied without prejudice pending trial testimony

Doc. 78, Motion in Limine to Exclude Evidence of and Cross-Examination on Investigative Reports – denied without prejudice pending trial testimony

Doc.79, Notice re: 404(B) – granted. Mr. Matiatos may file a motion to reconsider by 11/26/2019

Doc. 80, Motion in Limine to Preclude Evidence of Punishment – granted

Doc. 82, Motion to Preclude Insanity Defense and Expert Evidence of Mental Condition – granted

Jury trial set for 12/3/2019 at 9:30 a.m. is affirmed

Proposed voir dire questions and proposed jury instructions shall be filed no later than 11/26/2019 by 5:00 p.m.

**Deputy Clerk: Cathy Schwader
Court Reporter: Tracy Jamieson**

**Motion Hearing: 2 hrs 30 mins
Start: 1:39 p.m.
Stop: 4:09 p.m.**